

**CHARTER**  
**OF THE MUNICIPALITY OF**  
**CANAL FULTON, OHIO**

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**CHARTER**  
**OF THE MUNICIPALITY OF**  
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**PREAMBLE**

In order that we may have the benefits of municipal home rule and exercise all of the powers of local self- government conferred under the Constitution and Statutes of the State of Ohio, We, the citizens of the Village of Canal Fulton, Ohio, do hereby adopt this Charter for our municipality

**ARTICLE I**  
**NAME; BOUNDARIES; FORM OF GOVERNMENT**

**1.01 Name and Boundary**

The present Municipality, known as the Village of Canal Fulton, Ohio, shall continue to be a body politic and corporate, under the name of the Village of Canal Fulton, or the City of Canal Fulton, as the population requires, and with the same boundaries, with powers and authority to change its boundaries and annex other territory contiguous thereto in the same manner authorized by the general laws of Ohio.

**1.02 Form of Government**

The municipal government provided for by this Charter shall be known as the "Mayor, Council, Manager Plan." The representative branch shall consist of the Council and Mayor elected by the voters of the Municipality, and shall possess respectively the legislative and judicial powers specified in this Charter. The Mayor shall appoint a Manager, upon confirmation of Council, who shall be the Chief Administrative Officer of the Municipality. The Municipality shall have only such other officers as are provided for this Charter or in ordinances enacted hereunder.

## **ARTICLE II CORPORATE POWERS**

### **2.01 Powers Granted**

The Village shall have all the powers that may now or hereafter lawfully be possessed or exercised by municipal corporations under the Constitution and laws of Ohio. Title to all real property shall be taken in the name of the municipality.

### **2.02 Exercise of Powers**

All powers shall be exercised in the manner prescribed in this Charter, or if not so prescribed, in the manner provided by ordinance or resolution of Council. When not prescribed in this Charter or by ordinance or resolution, then the powers shall be exercised in the manner provided by the laws of Ohio until Council provides a different manner of exercising the powers.

### **2.03 Construction of Powers**

The powers of the Village under this Charter shall be construed liberally in favor of the Village, and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general powers stated in this Article.

### **2.04 Intergovernmental Cooperation**

(A) In carrying out any lawful function or power of the municipality, the Council may, by a majority vote of its members, authorize the execution of contracts or in any other manner provide for cooperation or joint action, between the municipality and:

1. Political Subdivisions, special districts, instrumentalities, or other units of government of the State of Ohio or other states.
2. The State of Ohio, its officers, departments, divisions, instrumentalities or other units or agencies.
3. Other states, their officers, departments, divisions, instrumentalities, or other units or agencies.
4. The federal government, its officers, departments, divisions, instrumentalities or other units or agencies.
5. Councils of governments or other instrumentalities consisting of other political subdivisions, special districts, instrumentalities or other governmental units or agencies allowed under the laws of Ohio, other states or the federal government.
6. Persons, corporations whether for profit or non-profit, firms and other entities; unless such contracts, cooperation or joint actions are prohibited by the Constitution of the State of Ohio.

(B) The powers granted by this section shall be liberally construed to authorize intergovernmental cooperation, but shall not authorize the avoidance of the provisions of this Charter concerning taxation or initiative or referendum.

### **ARTICLE III COUNCIL**

#### **3.01 Powers of Council**

(A) All legislative power of the Village shall be vested in the Council, except as otherwise provided by this Charter and the Constitution of the State of Ohio. Without limitation of the foregoing, the Council shall have and possess the following powers:

1. The power to levy taxes and assessments and incur debts subject to the limitations imposed thereon by this Charter and the Constitution of Ohio.
2. The power to adopt and to provide for the enforcement of local police, sanitary and other similar regulations, as are not in conflict with the general laws.
3. The power to provide for the exercise of all powers of local self-government granted to the Village by the Constitution of the State of Ohio in a manner not inconsistent with this Charter or the Constitution of the State of Ohio.
4. The power, by ordinance or resolution, to establish or authorize the number of officers and employees in the various offices, departments, divisions, bureaus, boards and commissions of the Village and to establish or authorize the establishment of the rate of their compensation, hours of work, and to provide such other fringe benefits and conditions of employment as deemed proper by the Council.
5. The power to require such bonds as in the opinion of the Council are necessary for the faithful discharge of the duties of the officers and employees of the Village. The premium for said bonds shall be paid by the Village.
6. The power to create, combine, change and abolish other offices, departments, divisions, bureaus, boards and commissions. The power herein expressed in this sub-section shall be exercised by ordinance or resolution.
7. The power to establish, by ordinance or resolution, the rates or charges made of consumers of all municipal utilities and services.
8. The power to acquire and to sell or otherwise convey interests in real property; and to lease, as lessor or lessee, or otherwise grant or receive interests in real property, in the manner authorized by ordinance or resolution with or without competitive bidding.
9. The power to provide for an independent audit of the accounts and records of the Village, which may be in addition to audits by state offices and agencies as may be required under the general laws of Ohio.
10. To exercise all other powers granted to the Council by this Charter and by the Constitution and laws of the State of Ohio.

#### **3.02 Composition, Term and Qualifications**

(A) The Council shall be composed of six members all of whom shall be elected at large. All present council members shall continue in their term of office. Thereafter, four (4) council members shall be elected at the November 2001 regular municipal election for a term of four (4) years and two (2) council members shall be elected at the November 2003 regular municipal election for a term of four (4) years.

### **3.03 Clerk of Council**

The Council may appoint, by a majority vote of its members, a person to serve as the Clerk of Council. The Clerk of Council shall serve at the pleasure of the Council and may be removed without cause by a majority vote of the members of Council. The Clerk of Council may hold other office or position of employment in the Village. The Clerk of Council shall have those powers, duties and functions as are provided in this Charter, by the Rules of Council or by ordinance or resolution. Included in the duties of the Clerk of Council shall be the maintenance of a record of proceedings of the Council and a record of all ordinances and resolutions adopted by the Council. The Clerk of Council shall give notice of regular and special meetings of the Council to its members and to the public as may be provided by this Charter, the Rules of Council or by ordinance or resolution. The Clerk of Council shall be subject to the control of the officers of the Council and the general supervision of the Administrator. The Council, by ordinance or resolution, may require the Clerk of Council to serve as the secretary of one or more boards and commissions provided for under this Charter.

### **3.04 Council Meetings**

(A) The Council shall determine, by a majority vote of its members, the frequency, dates and times of regular meetings in order to properly conduct its business, but it shall hold at least two regular meetings in each month in at least eleven months of each year.

(B) Special meetings of the Council may be called, for any purpose, by the Mayor or any three members of the Council upon at least twenty-four hours notice to the Mayor and each member of the Council, which notice may be served personally or left at the usual place of residence. In the event the Mayor or any three members of the Council determine an emergency exists, the twenty-four-hour notice shall not apply.

Members of the Council and the Mayor who attend special meetings of the Council or who are present at another regular or special meeting where a special meeting is announced by the presiding officer need not receive notice of the special meeting. Members of the Council and the Mayor may waive receipt of notice of a special meeting either prior or subsequent to the meeting.

(C) Any regular or special meeting of the Council may be adjourned or recessed to another time, date or place without giving the notice required in Division (B) of this Section.

(D) All meetings of the Council, its Committees and other Boards and Commissions of the Municipality shall be held in accordance with the general laws of Ohio pertaining to requirements for open meetings of public bodies.

### **3.05 Council Organization and Rules**

The Council shall be a continuing body, but shall meet in the Council Chamber at its first meeting in January of each year for the purpose of organization. Council shall adopt, by majority vote of its members, its own Rules which shall not conflict with this Charter and which shall remain in effect until amended, changed or repealed by a majority vote of the members of Council. The Rules shall go into immediate effect unless a later date is specified, and shall not be subject to initiative or referendum. The Rules of Council shall provide for the number, composition and manner of appointment of committees of Council, and such other matters, as Council shall determine to be necessary for the proper functioning and government of Council.



### **3.06 Council Vacancies**

(A) A vacancy in the Council shall be filled by a majority vote of the remaining members of the Council. If the vacancy occurs subsequent to twenty days before the date when candidates for the office of Council member must file their nominating petitions or if two years or less remain in the term of the incumbent who created the vacancy, the person elected by the Council shall serve for the unexpired term. If the vacancy occurs at least twenty days prior to the date when candidates for the office of Council member must file their nominating petitions and more than two years remain in the term of the incumbent who created the vacancy, the person elected by the Council shall serve until a successor is elected at the next regular municipal election and qualified to serve for the remainder of the unexpired term. The person elected for the unexpired term at the next regular municipal election shall take office on the first day of January following his or her election.

(B) If the Council shall fail to elect a person to fill a vacancy in the Council under Division (A) of this Section within forty-five (45) days after the occurrence of the vacancy, its power to do so shall lapse and the Mayor shall appoint a person to serve for the time as provided in Division (A) of this Section.

## **ARTICLE IV LEGISLATIVE PROCEDURE**

### **4.01 Form of Action by Council**

Action of Council shall be by ordinance, resolution or motion. Motion shall be used to conduct the business of Council, in procedural matters, for elections conducted among and appointments made by Council members, to provide directions to and to make requests of administrative officers and employees and members of Boards and Commissions, and as otherwise provided in this Charter. All other action shall be taken by ordinance or resolution. No action of Council shall be invalidated merely because the form thereof fails to comply with the provisions of this Section. Contracting power shall be governed by Section 8.02.

### **4.02 Introduction of Ordinances and Resolutions**

Any member of Council or the Administration may introduce any ordinance or resolution, at a regular or special meeting, which shall be in written or printed form and shall contain a concise title. Zoning ordinances or resolutions may be introduced in the manner as Council may prescribe by ordinance or resolution.

### **4.03 Form of Ordinances and Resolutions**

(A) The form and style of ordinances and resolutions shall be determined by the Rules of Council.

(B) Each ordinance or resolution shall contain only one subject, which shall be expressed in its title, provided that appropriation ordinances may contain the various subjects, accounts and amounts for which monies are appropriated, and that ordinances and resolutions which are codified or recodified are not subject to the limitation of containing one subject.

#### **4.04 Reading Ordinances and Resolutions**

Each ordinance and resolution shall be read by title only on three separate days, unless this requirement is dispensed with by a vote of at least two-thirds of the members of the Council. Readings shall be by title only, unless a majority of the Council shall request that any ordinance or resolution be read in full. Copies of each ordinance and resolution shall be available for public inspection at the meetings of the Council at which the ordinance or resolution is considered.

#### **4.05 Vote Required For Passage**

The vote on the question of passage of each ordinance, resolution and motion shall be taken by a roll call of members to be entered on the Journal, or other record of proceedings of the Council, and none shall be passed without concurrence of a majority of the members of Council. Each emergency ordinance or resolution shall require the affirmative vote of at least two-thirds of the members of Council for its enactment. If an emergency ordinance or resolution shall fail to receive the required two-thirds affirmative vote, but receives the necessary majority for passage as non-emergency legislation, it shall become effective as non-emergency legislation.

#### **4.06 Content of Emergency Legislation**

Each emergency ordinance or resolution shall determine that the ordinance or resolution is necessary for the immediate preservation of the public peace, health, safety or welfare, and shall contain a statement of the necessity for the emergency. Zoning ordinances or resolutions shall not be adopted as emergency measures.

#### **4.07 Effective Date of Legislation**

(A) The following ordinances or resolutions shall take effect upon passage unless a later time is specified therein:

1. Appropriation of money.
2. An annual tax levy for current expenses.
3. Improvements petitioned for by owners of a majority of the front footage or of the area of the property benefitted and to be assessed.
4. Submission of any question to the electorate of the determination to proceed with an election.
5. Approval of a revision, codification, recodification, or rearrangement of ordinances.
6. Any emergency ordinance or resolution.

(B) All other ordinances and resolutions shall go into effect thirty days after their passage by the Council.

**4.08 Authentication**

Each ordinance and resolution shall be authenticated by the signature of a presiding officer of the Council and the Clerk of Council. The failure or refusal to sign shall not invalidate an otherwise properly enacted ordinance or resolution.

**4.09 Recording Legislation**

Each ordinance and resolution shall be recorded in a book or other record prescribed by Council. The Clerk of Council or a duly authorized representative of the Clerk shall, upon request of any person and upon the payment of a fee, if established by Council, certify true copies of any ordinance or resolution, which copies shall be admissible as evidence in any court.

**4.10 Amendment**

(A) A pending ordinance or resolution may be amended at any time prior to its passage by the Council by a majority vote of the members of the Council present and voting on the amendment, and such amendment shall not require additional readings of the ordinance or resolution.

(B) Any ordinance or resolution, or the codified ordinances or resolutions of the Village, may be amended by the passage of subsequent ordinances or resolutions that: revise existing sections or parts thereof; enact new or supplemental sections or parts thereto; or repeal existing sections or parts thereof. This Division does not prevent repeals by implication.

**4.11 Zoning Measures**

(A) The Council may determine, by ordinance or resolution, all procedures to be followed by the Council and the Planning and Zoning Commission with respect to zoning within the Village and other land use regulations and matters, including but not limited to: public hearings; notices to owners of land; and notices to the general public. Otherwise, the Ohio Revised Code will apply.

(B) A concurring vote of at least two-thirds of the membership of Council shall be necessary to pass any zoning ordinance or resolution which differs from the written recommendations of the Planning and Zoning Commission, but in no event shall an ordinance or resolution be considered as having passed unless said amendment receives at least a majority vote of the members of Council.

**4.12 Adoption of Technical Codes**

(A) Council may, by ordinance or resolution, adopt standard ordinances and codes prepared by the State or any department, board or other agency or subdivision of the State, or any standard or model ordinance or code prepared and promulgated by a public or private organization, including but not limited to codes and regulations pertaining to fire, fire hazards, fire prevention, plumbing, heating, electrical, ventilation, air conditioning, refrigeration machinery, state pressure piping, piping, boilers, buildings standards, housing standards, and such other matters as the Council may determine to be appropriate for adoption by reference, by incorporation by reference.

(B) The ordinance or resolution adopting any such standard ordinance or code shall make reference to the date and source of such standard ordinance or code without reproducing the same at length in the ordinance or resolution. In such cases, publication of the standard ordinance or code shall not be required, but at least one copy of such code shall be kept at all times in the office of the Clerk of Council and available for reference by interested persons. If the standard ordinance or code is amended after its adoption by reference by the Council, it shall be deemed to have been adopted.

#### **4.13 Codification**

By a majority vote of the members of Council, the Council may cause the ordinances and resolutions of the Village to be revised, codified, recodified, rearranged, or published in book form.

#### **4.14 Publications of Ordinances and Resolutions**

(A) Publication of Ordinances and Resolutions shall be according to local Rules of Council.

(B) Failure to publish, as required by Division (A) of this Section shall not invalidate an ordinance or resolution, and in such events, the Clerk of Council may authorize publication pursuant to Division (A) of this Section, at a later date.

### **ARTICLE V MAYOR - MANAGER**

#### **5.01 The Mayor**

(A) The person elected to the office of Mayor at the November 1999 election is hereby designated as the Mayor under this Charter for a term of office of four years, with all the powers, duties and functions provided by this Charter. At the regular municipal election to be held in 2003, and each four years thereafter a qualified person who has been an elector of the Village or an area annexed to the Village for at least two years prior to the time of filing for office shall be elected to the office of Mayor.

(B) The Mayor shall not hold any other public office or employment with the Village during a term; except that the Mayor may hold an office in a political party, or be a delegate to a political party convention, serve as a notary public, serve as a member or officer in the military reserve or national guard, serve in any office, position or capacity to represent the Village or to further intergovernmental cooperation, and may hold any office permitted by the Charter or the laws of Ohio.

### **5.02 Powers of Mayor**

(A) The Mayor shall preside at all meetings of the Council but shall not vote except that the Mayor may vote on all matters including ordinances and resolutions, other than the appointment or removal or suspension of any person appointed, suspended, or removed by the Mayor, in the event of a tie vote among the members of the Council. For this provision only, the Mayor shall be considered a member of Council. The Mayor shall have those judicial and military powers, if any, as may be granted by the general laws of Ohio, and shall be permitted to perform marriages as allowed by the general laws of Ohio, shall have ceremonial powers on behalf of the Village and shall have such other powers, duties and functions as provided under this Charter and the Village's ordinances and resolutions. The Mayor shall not have any power to veto ordinances or resolutions passed by the Council.

(B) At its organizational meeting in each year the Council shall elect from among its members a president pro-tempore and a vice-president pro-tempore by a majority vote of its members. The president pro-tempore of the Council shall exercise the powers, duties and functions of the Mayor in case of a vacancy in the office of Mayor or in the event of the absence or disability of the Mayor; and in the event that the Mayor and the president pro-tempore of the Council are absent or disabled, or their offices are vacant, the vice-president pro-tempore shall exercise the powers, duties and functions of the Mayor.

The president and vice-president pro-tempore may vote on any matter before the Council while acting as Mayor, but may not vote a second time on any matter in order to break a tie vote.

### **5.03 Village Manager**

(A) The Mayor shall appoint a Village Manager who shall take office upon confirmation by the Council by a majority vote of its members. The Village Manager shall serve at the pleasure of the Mayor and the Council and may be suspended or removed from office by the Mayor with the consent of the Council granted by a majority vote of its members, or by the Council by a two-thirds vote without the consent of the Mayor.

(B) The Mayor and the Council shall deal with the officers and employees who are subordinate to the Village Manager only through the Village Manager; except that the Mayor or the Council may require the Village Manager or his or her subordinate officers or employees to meet to provide information, answer questions or provide oral or other evidence (sworn or unsworn) before the Council or any committee appointed by the Council. The Mayor and Council may deal directly with all other officers and employees of the Village.

(C) The Village Manager shall appoint an employee or official of the Village as the Acting Village Manager in the event of a vacancy in that office or upon the absence or disability of the Village Manager. Council may appoint such Acting Village Manager if the Village Manager fails to make the appointment within four days upon an actual vacancy or an absence or disability. The Council may require the Mayor to make an appointment forthwith of a Village Manager if that office has been vacant for thirty days. The Acting Village Manager shall have the powers, duties and functions of the Village Manager.

(D) The Village Manager shall be appointed on the basis of his or her education and/or administrative and executive skill and experience in the arena of public management; or based upon his or her knowledge of the operations of municipal government. The Mayor and Council shall be the sole judge of the qualifications of the Village Manager.

(E) The Village Manager shall become a resident of the Village within six months after his or her confirmation by the Council, unless the Council shall waive this residency requirement by ordinance or resolution. The Village Manager may not hold any other office or position with the Village, unless the Council approves by a two-thirds vote of its members.

#### **5.04 Powers of Village Manager**

(A) The Village Manager shall be the chief executive and administrative officer of the Village. He or she shall be responsible to and subject to control, supervision and direction of the Mayor for the administration of all municipal affairs placed in the Village Manager's charge by or under this Charter, the ordinances or resolutions of the Village and the state laws.

(B) The Village Manager shall have the following powers, duties and functions to:

1. Appoint, promote and, when he or she deems it necessary for the good of the service, suspend or remove or otherwise discipline all subordinate employees and appointive administrative officers, except as otherwise provided for by or under this Charter, subject to the provisions of this Charter pertaining to the Merit System.
2. Direct and supervise the administration of all departments, offices and agencies of the Village, except as otherwise provided by this Charter.
3. Attend all Council meetings and shall have the right to take part in discussions but may not vote.
4. See that all laws, provisions of this Charter and ordinances and resolutions of the Council, subject to enforcement by the Village Manager or by officers subject to his or her direction and supervision, are faithfully executed.
5. Prepare and submit the annual budget and capital program to the Council.
6. Submit to Council and make available to the public a complete report on the finances and administrative activities of the Village as of the end of each fiscal year.
7. Make such other reports as the Council may require concerning the operations of municipal departments, offices, boards, commissions and agencies subject to his or her direction and supervision.
8. Keep the Council fully advised as to the financial condition and future operating and capital needs of the Village and make such recommendations to the Council concerning the affairs of the Village as he or she deems desirable.
9. Require reports and information of subordinate officers and employees of the Village as he or she deems necessary in the orderly operation of the Village, or when requested to do so by the Council or any board or commission of the Village.

10. Execute on behalf of the Village all contracts and agreements, except as otherwise provided in this Charter.
11. Perform such other powers, duties and functions as are conferred or required by this Charter, by any ordinance or resolution of the Council, or by the general laws of the State of Ohio.

(C) The Village Manager shall provide staff support to the Mayor through his office or independent from his or her office as determined by the Mayor. The Village Manager, when requested by the Mayor or Clerk of Council on behalf of the Council shall provide additional staff support to the Council and/or the Clerk of Council.

(D) The Village Manager or his or her designated representative may attend meetings of the Planning and Zoning Commission and the Board of Zoning Appeals with the right to participate at meetings and in discussions, but the Village Manager or his or her designated representative shall not vote on any matter before the Commission.

## **ARTICLE VI ADMINISTRATIVE DEPARTMENTS**

### **6.01 Director of Law**

(A) Except as provided in Section 12.03 of this Charter, the Department of Law shall be under the supervision, direction and control of the Director of Law, who shall be appointed by the Mayor and confirmed by a majority vote of the Council and shall serve at the pleasure of the Council.

(B) The Director of Law need not be an elector or resident of the Village, but shall be an attorney-at-law duly authorized to practice law in the State of Ohio. The Director of Law shall not hold any other incompatible public office, under the laws of Ohio, except he or she may hold office in a political party or be a delegate to a political party convention, serve as a notary public, serve as a member or officer in the military reserve or national guard, serve in any office, position or capacity to further intergovernmental cooperation, and may hold any office permitted by this Charter, the ordinances or resolutions of the Village or the laws of Ohio.

(C) The Director of Law shall be the legal advisor, and counsel for the Village, and subject to the direction of Council, shall represent the Village in all proceedings in Court or before any administrative board or body. The Director of Law shall perform all other powers, duties and functions now or hereafter imposed on Directors of Law under the laws of Ohio, and shall perform other duties that are legal in nature as required by this Charter, by ordinance or resolution, or as directed by the Mayor or Village Manager.

(D) The Council may provide for assistants and special counsel to the Director of Law. All assistants shall be appointed by the Director of Law. The assistants shall be responsible to the Director of Law and when authorized, may exercise all or any part of the powers, duties and functions granted to the Director of Law under this Section. Special counsel may be employed by Council to perform powers, duties and functions authorized by and in the manner provided by Council.

(E) In the event of a vacancy in the office of Director of Law, a successor shall be appointed in the same manner as provided in Division (A) of this Section in the case of an original appointment. The Director of Law shall designate, by a writing filed with the Clerk of Council, a qualified person to serve as Acting Director of Law in the event of his or her temporary absence or disability and, in the event of a vacancy, until the vacancy is filled as provided in this Division. The Acting Director of Law shall exercise the powers, duties and functions of the Director of Law under this Charter.

#### **6.02 Director of Finance**

(A) Except as provided in Section 12.03 of this Charter, the Department of Finance shall be under the supervision, direction and control of the Director of Finance, who shall be appointed by the Mayor subject to approval by motion of the Council by a majority vote of its members. The Director of Finance shall serve at the pleasure of the Mayor and Council and may be removed or suspended by the Mayor subject to approval of the removal or suspension by the council by a majority vote of its members.

(B) The Director of Finance shall be qualified by training or experience to carry out the powers, duties and functions of the office. The Mayor and the Council shall be the sole judges of the qualifications of the Director of Finance. The Director of Finance need not be an elector or resident of the Village. The Director of Finance shall not hold any other public office, except he or she may hold office in a political party or be a delegate to a political party convention, serve as a notary public, serve as a member or officer in the military reserve or national guard, serve in any office, position or capacity to further intergovernmental cooperation, and may hold any office permitted by this Charter, ordinance or resolution and the laws of Ohio.

(C) The Director of Finance shall be the chief fiscal officer of the Village and shall perform the powers duties and functions now or hereafter given to Village Auditors and Treasurers under the general laws of Ohio to the extent those laws are not in conflict with this Charter. The Director of Finance, in addition to the powers, duties and functions prescribed by this Charter, shall have other powers, duties and functions as required by ordinance or resolution, or as directed by the Mayor. The Director of Finance shall keep the financial records of the Village, establish the accounting systems, financial records and reports used by the offices, departments, divisions, bureaus, boards and commissions of the Village; collect taxes and hire employees for the collection of taxes; assist the Village Manager in the preparation and submission of appropriation measures, estimates, budgets, capital programs and other financial matters; provide full and complete information concerning the financial affairs and status of the Village as requested by the Village Manager, Mayor or Council; and provide full and complete information and assistance concerning the finances or accounting systems or records of any office, department, division, bureau, board or commission of the Village as requested by the Village Manager.



(D) The Mayor shall appoint an Acting Director of Finance in the event of a vacancy in the office or the absence or disability of the Director of Finance.

### **6.03 Other Administrative Departments**

(A) The following administrative departments are created upon the effective date of the Charter:

1. A Department of Police Services to be headed by a Police Chief under the general direction and supervision of the Mayor.
2. A Department of Fire Services shall be headed by a Fire Chief under the general direction and supervision of the Mayor.
3. A Department of Utility Services to be headed by a Director of Utility Services, which shall administer the water and sewer facilities and services.
4. A Department of Public Services to be headed by a Director of Public Services to include the functions of streets and cemeteries and other matters assigned by ordinance or resolution.
5. A Department of Engineering to be headed by a Village Engineer, however the Council must first authorize this department by ordinance or resolution. This function may also be provided by contract with appropriate engineering firms, as determined and selected by the Council by ordinance or resolution.
6. A Department of Inspection to be headed by a Chief Planner/Zoning Inspector to provide for zoning, building and housing inspections and to provide other functions as may be determined by ordinance or resolution. This function may be provided by contract as determined and selected by the Council by ordinance or resolution.
7. Such other departments and divisions or other sub-units thereof as created by ordinance or resolution.

(B) The Departments of Utility Services, Public Services, Engineering, and Inspection shall be under the direction and supervision of the Village Manager.

(C) In the event the Village does not exercise functions requiring any of the departments enumerated in Division (A) of this Section at the time this Charter becomes effective, such departments shall not be provided for until the Council shall authorize their creation by ordinance or resolution.

(D) The Council may abolish, combine, merge, change or alter any department created or authorized by Division (A) of this Section by ordinance or resolution, except that the Departments of Police Services shall not be abolished, combined or merged.

(E) The departments and divisions of the Village, and their administrative heads, shall have those powers, duties and functions as provided: in this Charter; by ordinance or resolution; and as provided by the general laws of Ohio, provided such general laws are not inconsistent with this Charter or the ordinances and resolutions of the Village.

(F) Council shall determine residency requirements, if any, for all administrative department heads.

#### **6.04 Acting Department and Division Heads**

In the event of a vacancy or the temporary absence or disability of the head of any administrative department or division authorized or created pursuant to Section 6.03 of this Charter, the Mayor in the case of police and fire and the Village Manager, other than with respect to police and fire and the Park Director, may appoint an acting head of the department or division until the vacancy is filled or the temporary absence or disability is removed.

### **ARTICLE VII BOARDS AND COMMISSIONS**

#### **7.01 Merit System – Civil Service Commission**

(A) Merit Principle

All appointments and promotions of municipal employees shall be made according to merit and fitness demonstrated through a competitive selection process to the extent practicable, except as otherwise provided by ordinance or resolution.

(B) Classified and Unclassified Service

The civil service of the municipality shall be divided into the Classified and Unclassified Service. The Unclassified Service shall comprise the following offices and positions:

1. Elective officers and persons appointed to fill vacancies in elective offices.
2. The Village Manager and other appointed positions created by this Charter.
3. Members of Boards and Commissions and other bodies appointed by the Council and Advisory Committees appointed by the Manager.
4. Employees of professional qualifications engaged as Consultants.
5. The Village Manager Assistant.
6. Secretary to the Village Manager and one Secretary to each department or commission when authorized by this Charter or by ordinance.
7. Clerk of Council
8. All Department Heads.
9. Unskilled Labor.
10. Temporary and part-time employees.

The Classified Service shall comprise all positions not specifically included by this section in the Unclassified Service.

(C) The Civil Service Commission

There shall be a Civil Service Commission consisting of three members who shall be appointed by the Mayor with the consent of Council. The Commission shall designate one of its members as Chairperson. Members of the Commission shall serve a staggered term of three years.

(D) Powers of Civil Service Commission

The Civil Service Commission shall have all powers and duties granted their membership by the general laws of the State of Ohio except where the same are in conflict with this Charter.

(E) The Merit System – Civil Service Commission shall not come into effect unless the Village becomes a city.

## **7.02 Planning Commission**

(A) There is hereby created a Planning and Zoning Commission consisting of five members and all shall be residents of the Village: one representative from Council to serve to the completion of his/her term; the Mayor, three citizens appointed by the Mayor and confirmed by a majority vote of Council to serve four-year terms of office, provided the first members under this Charter shall be appointed for the following terms: one shall be appointed for four years, one for three years, and one for two years.

(B) The Board shall elect a chairperson from its membership, a recording secretary, and may prescribe rules for the conduct of its affairs.

(C) Three members shall constitute a quorum at all meetings. A concurring vote of three members shall be necessary to effect an order, take action, make decisions, or act on any authorization.

(D) Any matter submitted to the Planning Commission shall be considered by the Commission at a public hearing, of which notice shall be given in the manner prescribed by ordinance of Council. Thereafter, it shall be acted upon by the Planning Commission within sixty (60) days from the date of the regular Planning Commission meeting at which the matter was received, unless a longer time is allowed by Council. The powers, duties and functions of the Planning Commission shall be provided by this charter, ordinance of Council and the laws of the State of Ohio.

## **7.03 Board of Zoning Appeals**

(A) There is hereby created a Board of Zoning Appeals of five (5) members appointed by the Mayor, subject to Council approval. The members shall be residents of the municipality. The Zoning Board of Appeals members shall serve at the pleasure of the Mayor and the Council and may be suspended or removed from office by the Mayor with the consent of the Council granted by a majority vote of its members, or by the Council by a two-thirds vote without the consent of the Mayor.

(B) The Board shall elect a chairperson from its membership, a recording secretary and may prescribe rules for the conduct of its affairs.

(C) Three members of the Board shall constitute a quorum at all meetings. A concurring vote of three members shall be necessary to effect an order, take action, make decisions, or act on any authorization.

(D) Council may elect from time to time up to two alternate members of the Board of Zoning Appeals to serve in the absence of regular members of the Board of Zoning Appeals upon the call of the chairperson.

(E) The Board shall meet at the call of its chairperson and at such other times as it may determine.

(F) The chairperson or acting chairperson may administer oaths and the Board may compel the attendance of witnesses at the request of any interested party. The Board shall keep minutes of its proceedings showing the vote of each member on each question and all other official actions and shall record the proceedings.

(G) Powers and Duties.

The Board of Zoning Appeals shall have the following powers:

1. The Board shall have the power to hear and decide appeals where it is alleged there is error in any order, requirements, decision or determination made by the Zoning Inspector in the enforcement of the Zoning Ordinance.
2. The Board shall have the power to authorize, upon appeal, in specific cases, such variances from the terms of the Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the Zoning Ordinance will result in unnecessary hardship, and so that the spirit of the Zoning Ordinance shall be observed and substantial justice done. In granting a variance, the Board may impose such conditions as it may deem necessary to protect the public health, safety and morals and in furtherance of the purposes and intent of the Zoning Ordinance.
3. The Board shall have no authority to permit a use where such use is not permitted by the Zoning Ordinance.

#### **7.04 Park and Recreation Board**

(A) There is hereby created a Park and Recreation Board consisting of five members to be appointed by the Mayor subject to confirmation by Council by a motion adopted by a majority vote of its members. Two of the members shall be appointed from among persons recommended by the Northwest School District Board of Education. All board members on the effective date of this Charter shall continue their respective terms.

(B) The Park and Recreation Board shall have control of the operation and maintenance of the Village's Parks and Recreation programs; provided that the Board and the Park Director appointed pursuant to Division C of this Section shall be subject to the general supervision of the Village Manager with respect to the utilization of equipment and personnel of the Village and the Board and Director shall be subject to the powers of the Council under this Charter.

(C) The Park Director shall be appointed by the Park and Recreation board by a majority vote of its members, subject to the confirmation of the Mayor and the Director may be suspended or removed by the Board, and that action may be appealed to the Council for its final disposition by a majority vote of its members.

#### **7.05 Charter Review Commission**

(A) Beginning with January 1, 2010 and each ten (10) years thereafter, the Council shall appoint a Charter Review Commission consisting of seven electors of the Village to serve for a term of one year, ending on December 3 I, of the same year as the term commences.

(B) The Commission shall review the provisions of the Charter and shall make written recommendations, if any, to the Council for revisions to the Charter. The Council may cause any of the recommendations to be submitted to a vote of the electors by way of Charter amendment.

(C) The Council shall appropriate sufficient funds for the operation and expenses of the Charter Review Commission.

#### **7.06 Historical Preservation Commission**

(A) There is hereby created a Historical Preservation Commission Consisting of seven (7) members, six of whom must be residents of the Village. Members shall be appointed from each of the following organizations or professions: Canal Fulton Heritage Society; Canal Fulton Chamber of Commerce; Canal Fulton Planning Commission; a landscape architect or city planner who need not be a resident of the Village of Canal Fulton; a member from Canal Fulton Village Council, a homeowner who resides in the district, and an owner of a business located within the district. All are appointed by the Mayor and confirmed by a majority vote of Council to serve four-year terms of office, provided the first members under this Charter shall be appointed for the following terms: one shall be appointed for four years, one for three years, and one for two years.

(B) The Board shall elect a chairperson from its membership, a recording secretary and may prescribe rules for the conduct of its affairs.

(C) Four members shall constitute a quorum at all meetings. A concurring vote of four members shall be necessary to effect an order, take action, make decisions, or act on any authorization.

(D) Any matter submitted to the Historical Preservation Commission shall be considered by the commission at a public hearing, of which notice shall be given in the manner prescribed by ordinance of Council. Thereafter, it shall be acted upon by the Historical Preservation Commission within sixty (60) days from the date of the regular Historical Preservation Commission meeting at which the matter was received, unless a longer time is allowed by Council. The powers, duties and functions of the Historical Preservation Commission shall be provided by this charter, ordinance of Council and the laws of the State of Ohio.

#### **7.07 Organization, Vacancies**

(A) Unless otherwise provided in this Charter, each of the Village's boards and commissions whether created by this Charter or by ordinance or resolution, shall:

1. Organize at its first meeting each year by electing a chairman, vice chairman and secretary. The chairman and vice chairman shall be members of the board or commission and the secretary may be elected from within or without the membership of the board or commission. The secretary shall keep an accurate and complete record of the proceedings of the board or commission and shall file a copy of its proceedings with the Clerk of Council for public inspection.
2. Take action by motion, and a majority vote of the members of the board or commission shall be necessary to take action. A majority of the members shall constitute a quorum. All members of boards and commissions shall be electors of the Village.
3. Adopt rules for calling regular and special meetings, the conduct and government of the board or commission, however, the rules shall not conflict with the provisions of this Charter or ordinances and resolutions of the Village, and shall be in conformity with Ohio's open meetings law.

(B) Unless otherwise provided in this Charter, a vacancy during the term of any member of a board or commission created by this Charter or by ordinance or resolution shall be filled for the unexpired term, if any, in the manner authorized for an original appointment; provided that if such appointing authority shall fail to fill the vacancy by appointment within sixty days, the Mayor shall fill the vacancy by appointment for the unexpired term, if any.

(C) Unless otherwise authorized under this Charter, members of boards and commissions shall hold no other office or position of employment with the Village.

(D) Council may not abolish or combine boards and commissions specifically created in this Charter.

## **ARTICLE VIII FINANCE, TAXATION AND DEBT**

### **8.01 General**

The laws of Ohio relating to budgets, appropriations, taxation, debts, bonds, assessments and other fiscal matters of the Village shall be applicable to the Village, except as modified by or necessarily inconsistent with the provisions of this Charter, or when provision therefore is made in the Constitution of Ohio; provided that the Council shall not adopt a municipal income tax exceeding 1 % unless the income tax is approved by a majority vote of the electors voting on the issue. This prohibition shall not affect the ability of the Village to participate in a joint economic development district under the laws of Ohio,

### **8.02 Contracting Powers and Procedures**

(A) The Village Manager shall be the contracting officer of the Village, shall award and execute all contracts on behalf of the Village, and shall report all expenditures to the Council.

(B) When any expenditure or contract is more than fifteen thousand dollars (\$15,000.00) or the amount specified by the laws of Ohio, whichever is greater, for which work may be accomplished only after advertisement and bidding, such contract or expenditure shall first be authorized or directed by an ordinance or resolution passed by the Council and shall be advertised once a week for at least two weeks in a newspaper of general circulation in the Village; provided the Council, by an ordinance or resolution adopted by a vote of at least two-thirds of its members, may authorize, without advertising and competitive bidding, contracts and expenditures for any purpose where the statutory or common law of Ohio does not require competitive bidding.

(C) When it becomes necessary to make alterations or modifications in connection with any work or improvements covered by contract, they shall be made only upon the order of the Village Manager. No such order shall be effective until the price to be paid for the work or material, or both, under the altered or modified contract, shall have been agreed upon in writing and signed by the contractor and the Village Manager on behalf of the Village. Modifications or alterations in contracts shall not require advertising and competitive bidding.

(D) No contract, agreement or other contractual obligation involving the expenditure of money shall be entered into or authorized by the Village Manager unless the Director of Finance or his or her duly authorized representative shall first certify:

1. That the money required for such contract, agreement, obligation or expenditure is in the Village's treasury or in the process of collection thereto, and
2. That the money has been appropriated by Council for the purpose of the contract, which may be included in a general description of purpose, and it remains unencumbered.

The certification as to the availability of funds and the appropriation of funds shall be filed and recorded in the accounting records of the Village and a copy furnished the vendor or contractor. Without the certification, contractual obligations shall be unenforceable against the Village unless subsequently authorized by the Council by a majority vote of its members.

(E) The Village Manager shall not divide any order or contract to avoid the requirements of competitive bidding.

(F) No contract, agreement or contractual obligation shall be entered into or authorized by any municipal authority until the same has been approved as to form by the Director of Law.

## **ARTICLE IX NOMINATIONS AND ELECTIONS**

### **9.01 Nominations**

Nominations for all elected offices of the Village shall be made by non-partisan petition only and no primary election shall be held to nominate officers of the Village. Nominating petitions shall be in the form determined by the election authorities provided under the general laws of Ohio and signed by electors of the Village. Members of Council shall be elected at large.

### **9.02 Regular Municipal Elections**

The regular municipal elections for all elected offices, and for issues to be presented to the voters, shall be held on the dates and at the times fixed by the election laws of Ohio for general statutory plan cities, except that all such offices shall be elected to terms of office as provided in this Charter.

### **9.03 Special Elections**

The Council may, at any time, order a special election by ordinance or resolution which shall set forth the date and purpose of the election, including but not limited to the referral of pending ordinances and resolutions to the electors for their approval or rejection. Special elections may be held on any date, including but not limited to the dates of general and primary elections in odd or even numbered years.

### **9.04 Conduct of Elections**

All regular and special elections shall be conducted by the election officials as established under the laws of Ohio. Such elections shall be held in conformity with the provisions of this Charter. Where the Charter is silent, the provisions of the election laws of Ohio shall be followed.



## **ARTICLE X INITIATIVE, REFERENDUM AND RECALL**

### **10.01 Initiative and Referendum**

Ordinances, resolutions, issues and other measures may be proposed by initiative petition and adopted by election, and ordinances and resolutions adopted by the Council shall be subject to referendum, as provided by the Constitution and laws of Ohio, provided ordinances and resolutions calling elections under this Charter shall not be subject to referendum.

### **10.02 Recall**

(A) The electors shall have the power to remove from office by a recall election any elected official of the Village in the manner provided in this Section.

(B) If the elected official shall have served six months of his or her term, an elector or electors of the Village may serve written notice upon the Clerk of Council of their intent to circulate petitions for the recall of a named elected official or officials. No petitions for the recall of an elected official may be circulated until such written notice of intent is served upon the Clerk of Council. Not later than thirty days after service of such notice of intent on the Clerk of Council, such persons may file, with the Clerk of Council, a petition demanding the removal of an elected official. Separate petitions shall be filed for each elected official sought to be removed by recall. The Clerk shall note thereon the name and address of the person filing the petition and the date of such filing, and deliver to such person a receipt therefore and attach a copy thereof to said petition. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought. Such petition shall be signed by at least that number of electors which equals 25% in number of the electors voting at the last preceding regular municipal election.

(C) Within ten days after the day on which such petition is filed, the Clerk of Council shall determine whether or not it meets the requirements hereof. If the Clerk of Council shall find the petition insufficient, the Clerk shall promptly certify the particulars in which the petition is insufficient, deliver a copy of the certificate to the person who filed the petition and make a record of such delivery. Such person shall be allowed a period of ten days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk of Council shall find the petition sufficient, the Clerk shall promptly so certify to Council and shall deliver a copy of such certificate to the person whose removal is sought within five days and make a record of such delivery.

(D) If the person whose removal is sought shall not resign within five days after the day on which the Clerk's certificate shall have been delivered, Council shall, by ordinance or resolution, fix a day for holding a recall election, which date shall not be less than forty days nor more than sixty days after the date of the Clerk's certification of sufficiency to the Council, and shall cause notice of such recall election to be published on the same day of each week for two consecutive weeks in a newspaper of general circulation in the Village. At such recall election, this question shall be placed upon the ballot: "Shall (naming the person whose removal is sought) be allowed to continue as (naming the office)," with the provision on the ballot for voting affirmatively or negatively. In the event of a majority of the vote is negative, such person shall be removed, the office shall be vacant, and such vacancy shall be filled as provided in this Charter. If the person is not removed at such recall election, no further recall petitions shall be filed against him or her for a period of one year following such election.

## **ARTICLE XI GENERAL PROVISIONS**

### **11.01 Removal of Officials**

(A) Elected officials and members of Boards and Commissions shall be removed for cause as provided in this Section of the Charter.

(B) As used in this Section of the Charter, the "Charging Official" shall mean: the "Mayor" except where the person accused of a ground for removal is the person holding the office of Mayor, or the president pro-tempore of council where the person sought to be removed for cause holds the office of Mayor.

(C) The Charging Official, if he or she has reason to believe there is probable cause (as such causes are defined in this Section 11.01) for the removal of an elected official or member of a Board or Commission, shall give notice of the alleged cause for removal and the time, date and place of the commencement of hearing for removal, which shall not be earlier than ten days after the service of the notice to the accused person by personal service, certified mail, or by leaving a copy of such notice at the person's last known place of residence in the Village. At such time, date and place and at any adjourned meetings, the Council shall hear, provide an opportunity to the accused person to be heard and present defenses, and determine whether the accused person shall be removed from his or her office. The Council may remove an official for any of the following causes by a two-thirds vote of the members of the Council, provided that if the accused person is a member of Council, such person shall not be counted in determining required majorities:

1. Unexcused absences from any three consecutive regular meetings of the council or the Board or Commission on which such person serves or any six regular or special meetings thereof in any year, provided the accused person received notice of special meetings. An absence from a regular or special meeting may be excused by a majority vote of the members of the Council or the Board or Commission on which such person serves at any time, including the excusing of any absence after action is initiated but prior to the commencement of hearings for the person's removal under this Section.
2. Failure to possess or maintain the qualifications of the office.
3. A determination that the accused person is guilty of misfeasance, malfeasance or nonfeasance in office.
4. Conviction of a crime that is a felony.

(D) Upon the removal of an official from office pursuant to this Section, the office of the offending person shall be vacant, subject to any appeal to and review by an appropriate court, and the vacancy shall be filled as provided in this Charter.

(E) The removal of an official or the occurrence of any of the causes permitting the removal shall not invalidate any action of the official or any body, including the Council, in which the member participated. The subsequent removal of a person who fills a vacancy created pursuant to this Section by the reinstatement by a court of a person previously removed by the Council, shall not invalidate any action of the person who filled the vacancy or any body, including the Council, in which such person who filled the vacancy participated.

(F) The Council shall be the judge of the qualifications of and of the grounds for removal from office and shall conduct the proceedings relative to removal. The Council shall have the power to subpoena witnesses, administer oaths and require the production of evidence, either on its own motion or through the process of any appropriate court or officer thereof. A person charged with conduct constituting grounds for removal from office shall be entitled to a public hearing. A record of the proceedings shall be made and preserved. A notice of such hearing shall be published in one or more newspapers of general circulation in the Village at least one week in advance of the hearing, and in such an event, the Mayor, or other presiding officer of the Council, may reschedule the time, date and place of the hearing set by the Charging Official to accommodate the publication of the notice. If the hearing is rescheduled, the Mayor or other presiding officer, shall notify the accused person of such fact. Decisions made by the Council under this Section shall be subject to review by the Courts on matters of law and whether the Council acted arbitrarily and without probative evidence to support the grounds for removal.

(G) The Director of Law or special counsel appointed by the Director of Law shall prosecute the removal proceedings before the Council and any review thereof by the Courts. If a person accused is not finally removed, the Village shall pay the reasonable costs of the defense of such person and any compensation withheld pending the appeal of the action of the Council.

**11.02 Conflicts of Interest, Ethics, Campaign Financing**

The laws of Ohio pertaining to conflicts of interest, criminal misbehavior, ethics and financial disclosure by municipal officials and employees, and campaign financing and other election practices of candidates for municipal office shall apply under this Charter.

**11.03 Succession**

The Village of Canal Fulton under this Charter is hereby declared to be the legal successor of the Village of Canal Fulton under the laws of Ohio; and shall have title to all property, real and personal, owned by its predecessor, including all moneys on deposit and all taxes or assessments in process of collection, together with all accounts receivable and rights of action. The Village shall be liable for all outstanding orders, contracts and debts of its predecessor, and any other obligations for which it may be held liable by any court of competent jurisdiction. All contracts entered into by the Village or for its benefit prior to the effective date of this Charter shall continue in full force and effect.

**11.04 Effect of Charter on Existing Laws and Rights**

(A) The adoption of this Charter shall not affect any pre-existing rights of the Village nor any right, liability, pending suit or prosecution, either on behalf of or against the Village or any officer thereof, nor any franchise granted by the Village nor pending proceedings for the authorization of public improvements or the levy of assessments therefore. Except as a contrary intent appears in this Charter, all acts of Council of the Village including ordinances and resolutions in effect at the date this Charter becomes effective, shall continue in effect until amended or repealed.

(B) No action or proceeding pending against the Village or an officer thereof shall be abated or affected by the adoption of this Charter. All actions or proceedings shall be prosecuted or defended under the laws in effect at the time they were filed.

**11.05 Retirement System - Health District**

The laws of Ohio governing the retirement of officers and employees of the Village and the organization of health districts shall be applicable under this Charter.

**11.06 Amendment of Charter**

This Charter may be amended by the voters as provided by the Constitution of Ohio.

**11.07 Effect of Partial Invalidity**

A determination that all or any part of any Article, Section or Division of this Charter is invalid shall not invalidate or impair the force and effect of any part, except to the extent that the other part is wholly dependent for its operation upon the part declared invalid.

**11.08 Oath of Office**

The following oath or affirmation, or some other suitable oath or affirmation, shall be signed by each elected officer and filed with the Council.

**Village of Canal Fulton  
Oath of Office**

I, <state your name>, do solemnly and sincerely promise and swear or affirm that I will conform to and uphold the Constitution of both the United States of America and the State of Ohio, and will support the Charter and all ordinances and resolutions of the Village of Canal Fulton, Ohio;

I will be loyal and, with strict adherence, obey the duties of my office set forth by law and the will of the citizens of the Village of Canal Fulton, Ohio,

Failure to take the oath or affirmation shall not cause a loss of qualifications for and the holding of an elected office unless the officer shall refuse or fail to sign an oath or affirmation and to file it with the Council within forty-five days after notice is given by the Clerk of Council that a signed oath or affirmation has not been filed with the Council.

**ARTICLE XII  
TRANSITIONAL PROVISIONS**

**12.01 Effective Date of Charter**

This Charter shall be submitted to the electors of the Village at an election to be held November 7, 2000. If approved by a majority of the electors voting, the Charter shall take effect from the date the final result of the election is certified by the election authorities for the purpose of designating, nominating and electing officers of the Village and conducting municipal elections. For all other purposes, this Charter shall take effect March 1, 2001.

**12.02 Effect of Charter on Existing Offices**

(A) The person holding the office of Village Manager under the statutory plan of government for the Village of Canal Fulton shall serve as the Acting Village Manager under this Charter until a Village Manager or an Acting Village Manager shall be appointed.

(B) Except as otherwise provided by this Charter, all persons holding office at the time this Charter takes effect shall continue in office and in the performance of their duties until other provisions have been made in accordance with this Charter or the performance or discontinuance of the duties of the office. When that provision shall have been made, the term of any officer shall expire and the office shall be abolished. The powers conferred and the duties imposed upon any officer, body, commission, board, department or division of the Village under the laws of Ohio or under any municipal ordinance, resolution or contract in force at the time this Charter takes effect, if the office, body, commission, board, department or division is abolished by this Charter, shall be thereafter exercised and discharged by those upon whom are imposed corresponding functions, powers and duties by this Charter or by any ordinance or resolution of Council thereafter enacted.

**12.03 Continuance of Officers**

The position of Clerk Treasurer shall expire on March 1, 2001.

**12.04 Continuance of Present Employees**

Every employee of the Village on the effective date of this Charter shall continue in such employment subject in all respects to the provisions of this Charter and ordinances, resolutions, rules or regulations enacted or promulgated under this Charter.

**12.05 Adoption of this Charter**

This Charter shall apply whether or not the Village of Canal Fulton becomes a City in year 2001, depending on the census.

## CERTIFICATE

*We, the qualified members of the Charter Commission of the Village of Canal Fulton, Ohio, elected March 7, 2000, have framed the foregoing Charter and have fixed November 7, 2000 as the time of the election at which the Charter shall be submitted to the electors of the Village of Canal Fulton.*

Scott E. Fellmeth, Chairman

\_\_\_\_\_  
Fred E. Etheridge, Vice-Chairman

\_\_\_\_\_  
Shawn F. Kenney

\_\_\_\_\_  
Daniel P. Mayberry

\_\_\_\_\_  
John H. Workman

\_\_\_\_\_  
Donald P. Swigart

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Steven C. Jones

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Nellie A. Cihon

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Donald G. Hare

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Mark G. Stephan

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Melvin R. Hawk

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Barbara A. Hume

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Phillip W. Downey

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Donald E. Schwendiman